HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2931 OF 2005.

Safzal Khan Amir Khan & Anr. ..Petitioners.

Versus.

The President, Maharashtra
Slum Areas (IC&R) Tribunal,
Mumbai & Others. ..Respondents.

Mr. S. G. Deshmukh for the petitioners.

Mr. R. M. Pethe h/f Mr. R. G. Ketkar for respondent no.2.

P.I. Khemani, AGP for the State.

CORAM: S.B.MHASE,J.

DATE: October 5, 2007.

P.C.

1. Heard. The grievance of the petitioner is that the notices were issued to Shri. Alhaj Ibrahim Khan Ahmed Khan who was then dead and therefore the proceeding in respect of the declaration of slum is bad and illegal. However, on perusal of the record this Court finds that the notice of said Shri. Alhaj Ibrahim Khan was accepted by Safzal Khan Amir Khan, namely the son of Alhaj Ibrahim, who is one of the petitioners before this Court. If the petitioner was having knowledge of the proceeding and accepted the notice on behalf of his father who was then dead then it was obligatory for the petitioner to inform to the Authorities that the said person is dead. Not only

that it was further necessary for him to participate in the proceeding because public notice was issued before issuing the notification. Public notice contemplates notice to all those who have interest in the property. Therefore, the petitioner had a complete notice of the proceedings. The appellate authority has observed that there is no reason to hold that the respondent has neglected to follow proper procedure before issuing the said notification. It is evident from the record that he issued notices to persons appearing to be affected and concerned acting on the basis of the record of rights with him at the relevant time and he has obviously done so to remove the defects because of which the earlier declaration in respect of the same property was set aside by the Tribunal vide order in Appeal No. 196 of 1990, ie., mainly on the ground that the appellants therein were not given prior show cause notices. Further, his notices dated 3.10.1995 and 25.10.1995 having been replied in respect of the property in question on behalf of the persons whose names appeared on the record of rights, through their constituted attorney, he was justified in holding that he has complied with the procedural requirement of giving prior show cause notices and opportunity of hearing. Thus, on going through the judgment and observations of the appellate authority this Court is satisfied that everyone including the petitioner who was supposed to have knowledge of the institution of the said proceeding

was having sufficient notice. Not only that some of them have also participated in the proceeding. Therefore, the appellate authority was justified in dismissing the appeal. Therefore, no interference is called for. Petition is hereby rejected.

(S.B.MHASE, J.)